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Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 JACOB WOLFGANG GONZALEZ, et al.,

16 Defendants.

No. CR 23-427-GW-1

PLEA AGREEMENT FOR DEFENDANT
JACOB WOLFGANG GONZALEZ

17
18 1. This constitutes the plea agreement between JACOB WOLFGANG
19 GONZALEZ ("defendant") and the United States Attorney's Office for
20 the Central District of California (the "USAO") in the above-
21 captioned case. This agreement is limited to the USAO and cannot
22 bind any other federal, state, local, or foreign prosecuting,
23 enforcement, administrative, or regulatory authorities.

24 DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:

26 a. At the earliest opportunity requested by the USAO and
27 provided by the Court, appear and plead guilty to count ten of the
28 indictment in United States v. Jacob Wolfgang Gonzalez, et al., CR

1 No. 23-427-GW-1, which charges defendant with distribution of
2 methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1),
3 (b)(1)(A)(viii).

4 b. Not contest facts agreed to in this agreement.

5 c. Abide by all agreements regarding sentencing contained
6 in this agreement.

7 d. Appear for all court appearances, surrender as ordered
8 for service of sentence, obey all conditions of any bond, and obey
9 any other ongoing court order in this matter.

10 e. Not commit any crime; however, offenses that would be
11 excluded for sentencing purposes under United States Sentencing
12 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
13 within the scope of this agreement.

14 f. Be truthful at all times with the United States
15 Probation and Pretrial Services Office and the Court.

16 g. Pay the applicable special assessment at or before the
17 time of sentencing unless defendant has demonstrated a lack of
18 ability to pay such assessments.

19 THE USAO'S OBLIGATIONS

20 3. The USAO agrees to:

21 a. Not contest facts agreed to in this agreement.

22 b. Abide by all agreements regarding sentencing contained
23 in this agreement.

24 c. At the time of sentencing, move to dismiss the
25 remaining counts of the indictment as against defendant. Defendant
26 agrees, however, that at the time of sentencing the Court may
27 consider any dismissed charges in determining the applicable
28

1 Sentencing Guidelines range, the propriety and extent of any
2 departure from that range, and the sentence to be imposed.

3 d. At the time of sentencing, provided that defendant
4 demonstrates an acceptance of responsibility for the offense up to
5 and including the time of sentencing, recommend a two-level reduction
6 in the applicable Sentencing Guidelines offense level, pursuant to
7 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
8 additional one-level reduction if available under that section.

9 e. Recommend that defendant be sentenced to a term of
10 imprisonment no higher than the low end of the applicable Sentencing
11 Guidelines range, provided that the offense level used by the Court
12 to determine that range is 34 or higher and provided that the Court
13 does not depart downward in offense level or criminal history
14 category. For purposes of this agreement, the low end of the
15 Sentencing Guidelines range is that defined by the Sentencing Table
16 in U.S.S.G. Chapter 5, Part A.

17 NATURE OF THE OFFENSE

18 4. Defendant understands that for defendant to be guilty of
19 the crime charged in count ten, that is, distribution of
20 methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1),
21 (b)(1)(A)(viii), the following must be true: (1) defendant knowingly
22 distributed methamphetamine; and (2) defendant knew that it was
23 methamphetamine or some other federally controlled substance.
24 "Distributing" means delivering or transferring possession of
25 methamphetamine to another person, with or without any financial
26 interest in the transaction.

27 5. Defendant understands that for defendant to be subject to
28 the statutory maximum and statutory minimum sentences set forth

1 below, the government must prove beyond a reasonable doubt that
2 defendant distributed at least 50 grams of methamphetamine.
3 Defendant admits that defendant, in fact, distributed at least 50
4 grams of methamphetamine, as described in count ten of the
5 indictment.

6 PENALTIES

7 6. Defendant understands that the statutory maximum sentence
8 that the Court can impose for a violation of 21 U.S.C. §§ 841(a)(1),
9 (b)(1)(A)(viii), is: life imprisonment; a lifetime period of
10 supervised release; a fine of \$10,000,000 or twice the gross gain or
11 gross loss resulting from the offense, whichever is greatest; and a
12 mandatory special assessment of \$100.

13 7. Defendant understands that the statutory mandatory minimum
14 sentence that the Court must impose for a violation of 21 U.S.C.
15 §§ 841(a)(1), (b)(1)(A)(viii), is: 10 years' imprisonment, followed
16 by a 5-year period of supervised release, and a mandatory special
17 assessment of \$100.

18 8. Defendant understands that under 21 U.S.C. § 862a,
19 defendant will not be eligible for assistance under state programs
20 funded under the Social Security Act or Federal Food Stamp Act or for
21 federal food stamp program benefits, and that any such benefits or
22 assistance received by defendant's family members will be reduced to
23 reflect defendant's ineligibility.

24 9. Defendant understands that supervised release is a period
25 of time following imprisonment during which defendant will be subject
26 to various restrictions and requirements. Defendant understands that
27 if defendant violates one or more of the conditions of any supervised
28 release imposed, defendant may be returned to prison for all or part

1 of the term of supervised release authorized by statute for the
2 offense that resulted in the term of supervised release.

3 10. Defendant understands that, by pleading guilty, defendant
4 may be giving up valuable government benefits and valuable civic
5 rights, such as the right to vote, the right to possess a firearm,
6 the right to hold office, and the right to serve on a jury.

7 Defendant understands that he is pleading guilty to a felony and that
8 it is a federal crime for a convicted felon to possess a firearm or
9 ammunition. Defendant understands that the conviction in this case
10 may also subject defendant to various other collateral consequences,
11 including but not limited to revocation of probation, parole, or
12 supervised release in another case and suspension or revocation of a
13 professional license. Defendant understands that unanticipated
14 collateral consequences will not serve as grounds to withdraw
15 defendant's guilty plea.

16 11. Defendant and his counsel have discussed the fact that, and
17 defendant understands that, if defendant is not a United States
18 citizen, the conviction in this case makes it practically inevitable
19 and a virtual certainty that defendant will be removed or deported
20 from the United States. Defendant may also be denied United States
21 citizenship and admission to the United States in the future.
22 Defendant understands that while there may be arguments that
23 defendant can raise in immigration proceedings to avoid or delay
24 removal, removal is presumptively mandatory and a virtual certainty
25 in this case. Defendant further understands that removal and
26 immigration consequences are the subject of a separate proceeding and
27 that no one, including his attorney or the Court, can predict to an
28 absolute certainty the effect of his conviction on his immigration

1 status. Defendant nevertheless affirms that he wants to plead guilty
2 regardless of any immigration consequences that his plea may entail,
3 even if the consequence is automatic removal from the United States.

4 FACTUAL BASIS

5 12. Defendant admits that defendant is, in fact, guilty of the
6 offense to which defendant is agreeing to plead guilty. Defendant
7 and the USAO agree to the statement of facts provided below and agree
8 that this statement of facts is sufficient to support a plea of
9 guilty to the charge described in this agreement and to establish the
10 Sentencing Guidelines factors set forth in paragraph 14 below but is
11 not meant to be a complete recitation of all facts relevant to the
12 underlying criminal conduct or all facts known to either party that
13 relate to that conduct.

14 Defendant admits that on four occasions, in Santa Barbara
15 County, defendant knowingly and intentionally distributed a total of
16 3,485 grams of actual methamphetamine to individuals defendant
17 believed were buyers of methamphetamine, but who were, in fact, a
18 confidential informant ("CI") and undercover law enforcement agent
19 ("UC") working at the direction of or for the Bureau of Alcohol,
20 Tobacco, Firearms and Explosives ("ATF"). Specifically, on November
21 16, 2022, in Santa Barbara County, defendant knowingly sold 437 grams
22 of actual methamphetamine to the UC for \$1,700. Later that day, in
23 Santa Barbara County, defendant knowingly sold an additional 458
24 grams of actual methamphetamine to the UC for \$1,700. On January 24,
25 2023, in Santa Barbara County, defendant knowingly sold 399 grams of
26 actual methamphetamine to the UC for \$1,750. On February 24, 2023,
27 in Santa Barbara County, defendant knowingly sold 2,191 grams of
28 actual methamphetamine to the UC for \$6,000. At the time of each of

1 these four methamphetamine sales, defendant knew that the substance
2 he sold to the CI and/or UC was methamphetamine.

3 SENTENCING FACTORS

4 13. Defendant understands that in determining defendant's
5 sentence the Court is required to calculate the applicable Sentencing
6 Guidelines range and to consider that range, possible departures
7 under the Sentencing Guidelines, and the other sentencing factors set
8 forth in 18 U.S.C. § 3553(a). Defendant understands that the
9 Sentencing Guidelines are advisory only, that defendant cannot have
10 any expectation of receiving a sentence within the calculated
11 Sentencing Guidelines range, and that after considering the
12 Sentencing Guidelines and the other § 3553(a) factors, the Court will
13 be free to exercise its discretion to impose any sentence it finds
14 appropriate between the mandatory minimum and up to the maximum set
15 by statute for the crime of conviction.

16 14. Defendant and the USAO agree to the following applicable
17 Sentencing Guidelines factors:

18	Base Offense Level:	36	U.S.S.G. §§ 2D1.1(a) (5),
19	[At Least 1.5 KG but Less		(c) (2)
20	than 4.5 KG of		
21	Methamphetamine (Actual)]		

22 Defendant and the USAO reserve the right to argue that additional
23 specific offense characteristics, adjustments, and departures under
24 the Sentencing Guidelines are appropriate. Defendant understands
25 that defendant's offense level could be increased if defendant is a
26 career offender under U.S.S.G. §§ 4B1.1 and 4B1.2. If defendant's
27 offense level is so altered, defendant and the USAO will not be bound
28 by the agreement to Sentencing Guideline factors set forth above.

1 15. Defendant understands that there is no agreement as to
2 defendant's criminal history or criminal history category.

3 16. Defendant and the USAO reserve the right to argue for a
4 sentence outside the sentencing range established by the Sentencing
5 Guidelines based on the factors set forth in 18 U.S.C. §§ 3553(a)(1),
6 (a)(2), (a)(3), (a)(6), and (a)(7).

7 WAIVER OF CONSTITUTIONAL RIGHTS

8 17. Defendant understands that by pleading guilty, defendant
9 gives up the following rights:

10 a. The right to persist in a plea of not guilty.

11 b. The right to a speedy and public trial by jury.

12 c. The right to be represented by counsel -- and if
13 necessary have the Court appoint counsel -- at trial. Defendant
14 understands, however, that, defendant retains the right to be
15 represented by counsel -- and if necessary have the Court appoint
16 counsel -- at every other stage of the proceeding.

17 d. The right to be presumed innocent and to have the
18 burden of proof placed on the government to prove defendant guilty
19 beyond a reasonable doubt.

20 e. The right to confront and cross-examine witnesses
21 against defendant.

22 f. The right to testify and to present evidence in
23 opposition to the charges, including the right to compel the
24 attendance of witnesses to testify.

25 g. The right not to be compelled to testify, and, if
26 defendant chose not to testify or present evidence, to have that
27 choice not be used against defendant.

1 h. Any and all rights to pursue any affirmative defenses,
2 Fourth Amendment or Fifth Amendment claims, and other pretrial
3 motions that have been filed or could be filed.

4 WAIVER OF APPEAL OF CONVICTION

5 18. Defendant understands that, with the exception of an appeal
6 based on a claim that defendant's guilty plea was involuntary, by
7 pleading guilty defendant is waiving and giving up any right to
8 appeal defendant's conviction on the offense to which defendant is
9 pleading guilty. Defendant understands that this waiver includes,
10 but is not limited to, arguments that the statute to which defendant
11 is pleading guilty is unconstitutional, and any and all claims that
12 the statement of facts provided herein is insufficient to support
13 defendant's plea of guilty.

14 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

15 19. Defendant agrees that, provided the Court imposes a term of
16 imprisonment within or below the range corresponding to an offense
17 level of 34 and the criminal history category calculated by the
18 Court, defendant gives up the right to appeal all of the following:
19 (a) the procedures and calculations used to determine and impose any
20 portion of the sentence; (b) the term of imprisonment imposed by the
21 Court; (c) the fine imposed by the Court, provided it is within the
22 statutory maximum; (d) to the extent permitted by law, the
23 constitutionality or legality of defendant's sentence, provided it is
24 within the statutory maximum; (e) the term of probation or supervised
25 release imposed by the Court, provided it is within the statutory
26 maximum; and (f) any of the following conditions of probation or
27 supervised release imposed by the Court: the conditions set forth in
28 Second Amended General Order 20-04 of this Court; the drug testing

1 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
2 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

3 20. The USAO agrees that, provided (a) all portions of the
4 sentence are at or above the statutory minimum and at or below the
5 statutory maximum specified above and (b) the Court imposes a term of
6 imprisonment within or above the range corresponding to an offense
7 level of 34 and the criminal history category calculated by the
8 Court, the USAO gives up its right to appeal any portion of the
9 sentence.

10 WAIVER OF COLLATERAL ATTACK

11 21. Defendant also gives up any right to bring a post-
12 conviction collateral attack on the conviction or sentence, except a
13 post-conviction collateral attack based on a claim of ineffective
14 assistance of counsel, a claim of newly discovered evidence, or an
15 explicitly retroactive change in the applicable Sentencing
16 Guidelines, sentencing statutes, or statute of conviction. Defendant
17 understands that this waiver includes, but is not limited to,
18 arguments that the statute to which defendant is pleading guilty are
19 unconstitutional, and any and all claims that the statement of facts
20 provided herein is insufficient to support defendant's pleas of
21 guilty.

22 RESULT OF WITHDRAWAL OF GUILTY PLEA

23 22. Defendant agrees that if, after entering a guilty plea
24 pursuant to this agreement, defendant seeks to withdraw and succeeds
25 in withdrawing defendant's guilty plea on any basis other than a
26 claim and finding that entry into this plea agreement was
27 involuntary, then (a) the USAO will be relieved of all of its
28 obligations under this agreement; and (b) should the USAO choose to

1 pursue any charge that was either dismissed or not filed as a result
2 of this agreement, then (i) any applicable statute of limitations
3 will be tolled between the date of defendant's signing of this
4 agreement and the filing commencing any such action; and
5 (ii) defendant waives and gives up all defenses based on the statute
6 of limitations, any claim of pre-indictment delay, or any speedy
7 trial claim with respect to any such action, except to the extent
8 that such defenses existed as of the date of defendant's signing this
9 agreement.

10 RESULT OF VACATUR, REVERSAL OR SET-ASIDE

11 23. Defendant agrees that if the count of conviction is
12 vacated, reversed, or set aside, both the USAO and defendant will be
13 released from all their obligations under this agreement.

14 EFFECTIVE DATE OF AGREEMENT

15 24. This agreement is effective upon signature and execution of
16 all required certifications by defendant, defendant's counsel, and an
17 Assistant United States Attorney.

18 BREACH OF AGREEMENT

19 25. Defendant agrees that if defendant, at any time after the
20 signature of this agreement and execution of all required
21 certifications by defendant, defendant's counsel, and an Assistant
22 United States Attorney, knowingly violates or fails to perform any of
23 defendant's obligations under this agreement ("a breach"), the USAO
24 may declare this agreement breached. All of defendant's obligations
25 are material, a single breach of this agreement is sufficient for the
26 USAO to declare a breach, and defendant shall not be deemed to have
27 cured a breach without the express agreement of the USAO in writing.
28 If the USAO declares this agreement breached, and the Court finds

1 such a breach to have occurred, then: (a) if defendant has previously
2 entered a guilty plea pursuant to this agreement, defendant will not
3 be able to withdraw the guilty plea, and (b) the USAO will be
4 relieved of all its obligations under this agreement.

5 26. Following the Court's finding of a knowing breach of this
6 agreement by defendant, should the USAO choose to pursue any charge
7 that was either dismissed or not filed as a result of this agreement,
8 then:

9 a. Defendant agrees that any applicable statute of
10 limitations is tolled between the date of defendant's signing of this
11 agreement and the filing commencing any such action.

12 b. Defendant waives and gives up all defenses based on
13 the statute of limitations, any claim of pre-indictment delay, or any
14 speedy trial claim with respect to any such action, except to the
15 extent that such defenses existed as of the date of defendant's
16 signing this agreement.

17 c. Defendant agrees that: (i) any statements made by
18 defendant, under oath, at the guilty plea hearing (if such a hearing
19 occurred prior to the breach); (ii) the agreed to factual basis
20 statement in this agreement; and (iii) any evidence derived from such
21 statements, shall be admissible against defendant in any such action
22 against defendant, and defendant waives and gives up any claim under
23 the United States Constitution, any statute, Rule 410 of the Federal
24 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
25 Procedure, or any other federal rule, that the statements or any
26 evidence derived from the statements should be suppressed or are
27 inadmissible.

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COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICESOFFICE NOT PARTIES

27. Defendant understands that the Court and the United States Probation and Pretrial Services Office are not parties to this agreement and need not accept any of the USAO's sentencing recommendations or the parties' agreements to facts or sentencing factors.

28. Defendant understands that both defendant and the USAO are free to: (a) supplement the facts by supplying relevant information to the United States Probation and Pretrial Services Office and the Court, (b) correct any and all factual misstatements relating to the Court's Sentencing Guidelines calculations and determination of sentence, and (c) argue on appeal and collateral review that the Court's Sentencing Guidelines calculations and the sentence it chooses to impose are not error, although each party agrees to maintain its view that the calculations in paragraph 14 are consistent with the facts of this case. While this paragraph permits both the USAO and defendant to submit full and complete factual information to the United States Probation and Pretrial Services Office and the Court, even if that factual information may be viewed as inconsistent with the facts agreed to in this agreement, this paragraph does not affect defendant's and the USAO's obligations not to contest the facts agreed to in this agreement.

29. Defendant understands that even if the Court ignores any sentencing recommendation, finds facts or reaches conclusions different from those agreed to, and/or imposes any sentence up to the maximum established by statute, defendant cannot, for that reason, withdraw defendant's guilty plea, and defendant will remain bound to

fulfill all defendant's obligations under this agreement. Defendant understands that no one -- not the prosecutor, defendant's attorney, or the Court -- can make a binding prediction or promise regarding the sentence defendant will receive, except that it will be between the statutory mandatory minimum and the statutory maximum.

NO ADDITIONAL AGREEMENTS

30. Defendant understands that, except as set forth herein, there are no promises, understandings, or agreements between the USAO and defendant or defendant's attorney, and that no additional promise, understanding, or agreement may be entered into unless in a writing signed by all parties or on the record in court.

PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

31. The parties agree that this agreement will be considered part of the record of defendant's guilty plea hearing as if the entire agreement had been read into the record of the proceeding.

AGREED AND ACCEPTED

UNITED STATES ATTORNEY'S OFFICE
FOR THE CENTRAL DISTRICT OF
CALIFORNIA

E. MARTIN ESTRADA
United States Attorney



ALEXANDRA SLOAN KELLY
Assistant United States Attorney

06/19/2024

Date



JACOB WOLFGANG GONZALEZ
Defendant

18/06/24

Date



VITALY SIGAL
Attorney for Defendant JACOB
WOLFGANG GONZALEZ

06/19/2024

Date

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

jacob gonzalezJACOB WOLFGANG GONZALEZ
Defendant18/06/24

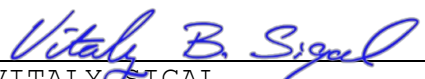
Date

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CERTIFICATION OF DEFENDANT'S ATTORNEY

I am JACOB WOLFGANG GONZALEZ's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.


VITALY SIGAL
Attorney for Defendant JACOB
WOLFGANG GONZALEZ

06/19/2024

Date